

Notice of Allowability

Application No.

09/829,275

Applicant(s)

WALKER ET AL.

Examiner

Nashaat T. Nashed, Ph. D.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/15/04.
2. ☒ The allowed claim(s) is/are 147,150 and 151.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - PL* (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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The application has been amended as requested in the communication filed October 15, 2004. Accordingly, claims 1 and 2 have been amended, claims 3-146 have been canceled, and new claims 147-149 have been entered. The new specification and amendment received December 6 has been entered.

Claims 1, 2, and 147-149 are pending and under consideration.

The petition filed under 37 CFR 1.84(a)(2) filed December 6, 2004 has been denied because applicants have not filed three copies of the color drawing.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Diane Dunn McKay on November 12, 2004.

Examiner's amendment:

- (1) Cancel claims 1, 2, 148, and 149.
- (2) Amend claim 147: A crystalline composition according to claim 151 4 comprising MurG crystal molecules arranged in a P1 space group with two molecules per asymmetric unit so as to form a unit cell of dimensions $a = 60.613 \text{ \AA}$, $b = 66.356 \text{ \AA}$, $c = 67.902 \text{ \AA}$, $\alpha = 64.294^\circ$, $\beta = 83.520^\circ$, and $\gamma = 65.448^\circ$.
- (3) New claim 150: A method of obtaining a triclinic crystal composition of the bacterial membrane associated UDP-glycosyltransferase of SEQ ID NO: 1 (MurG protein), said method consisting of:
 - (a) preparing a solution containing 10 mg/ml of MurG protein in 20 mM Tris-HCl buffer, pH 7.9, 150 mM NaCl, 50 mM EDTA, and three molar equivalent of UDP-GlcNAc to the MurG protein; and
 - (b) growing a triclinic crystal at room temperature using the hanging drop-method by mixing equal volumes of the protein solution of (a) with a reservoir solution consisting of 0.1 M NaMES, pH 6.5, 0.96 M ammonium sulfate, 0.4% Triton X-100, and 10 mM DTT.
- (4) New claim 151: A crystalline composition produced according to the method of claim 150.


Claims 147, 150, and 151 are allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nashaat T. Nashed, Ph. D. whose telephone number is 571-272-0934. The examiner can normally be reached on MTTF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nashaat T. Nashed, Ph. D.

Primary Examiner

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